

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1092 - HB 968

March 4, 2013

SUMMARY OF BILL: Adds a \$2.00 fee to criminal cases in courts of record in which the defendant used or employed a firearm during the commission of, attempt to commit, or escape from the commission of a crime, or was convicted of unlawful possession of a firearm under Tenn. Code Ann. § 39-17-1307. Proceeds from such fee shall be deposited into a special fund for the purpose of the department of finance and administration awarding grants to counties and municipalities to fund firearm buy-back programs

ESTIMATED FISCAL IMPACT:

Increase State Revenue –

Exceeds \$1,500/Special Fund for Firearm Buy-Back Programs

Increase State Expenditures –

Exceeds \$1,500/Special Fund for Firearm Buy-Back Programs

Increase Local Revenue – Exceeds \$1,500

Increase Local Expenditures – Exceeds \$1,500

Assumptions:

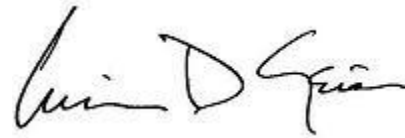
- The bill requires a \$2.00 fee in addition to the \$300 fee for criminal cases in courts of record in which a firearm was involved or for convictions of unlawful possession of a firearm. The bill also requires a \$2.00 fee in civil actions filed in general sessions courts if the case involves a criminal act in which a firearm was used or a conviction for unlawful possession of a firearm is involved.
- It is assumed that there will not be a significant number of civil actions filed in general sessions court that involve the defendant using or employing a firearm during the commission of, attempt to commit, or escape from the commission of a crime which is the basis for the civil action.
- It is assumed that a significant number of criminal cases filed in courts of record involve a handgun. However, it is assumed that a large number of criminal defendants are indigent and unable to pay court costs. Courts, in their discretion, may suspend the payment of court costs for indigent defendants under Tenn. Code Ann. § 40-25-123.
- It is reasonably estimated that at least 2,500 criminal cases statewide would be subject to the provisions of this bill and generate at least \$5,000 in court costs.

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- Based on the Administrative Office of the Courts' recent report on court fees, fines, and costs for fiscal year 2011-2012, approximately 30 percent of court fees, fines, and costs were collected annually. It is assumed that 30 percent of the \$5,000 in court costs would be collected and generate increased state revenue of at least \$1,500 ($\$5,000 \times 30\%$) for deposit into a special fund for awarding grants to counties and municipalities to fund firearm buy-back programs.
- Counties and municipalities will use 100 percent of such funds, or at least \$1,500, for firearm buy-back programs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm